

## Working to Secure Full Benefits for Workplace Injuries and Illnesses Caused by Conditions in the Workplace

The workers' compensation system should make it fairly simple to obtain medical and wage benefits in Durham when an on-the-job injury prevents you from working. The system prevents workers from suing their employers in most situations, but in exchange for losing the amounts they could recover in a lawsuit, employees are supposed to receive medical care and money to make up for lost wages without the need to prove that their employer acted negligently.

Insurance companies are heavily involved in North Carolina's workers' compensation scheme, making the process of recovering benefits less simple or guaranteed.

It is helpful when you have an experienced Durham workplace injury lawyer fighting for your rights. The team at Martin & Jones has over 40 years of experience securing resources for workers harmed by on-the-job accidents and exposure to hazards. We know how to manage the claims process effectively and efficiently and to resolve conflicts in a way that serves our clients' best interests.

## Steps to Take After a Workplace Injury or Diagnosis of an Occupational Illness

One reason workers' compensation claims are so challenging to manage is the strict rules governing injury reporting and medical care. If you make a mistake, you could end up paying for extra medical bills on your own or missing out on benefits entirely.

Every workers' comp claim involves different circumstances, so we cannot provide legal advice online that will apply in every situation. If you contact our team, we can discuss the right steps based on the circumstances of your case. But for general reference, here are some key steps to take if you've been hurt on the job or your doctor has diagnosed an illness caused by conditions in your workplace.

## Seek Medical Care That's Right for the Situation

While there are rules that restrict which doctors you can see when you're receiving workers' compensation benefits, those rules are modified in emergency situations. If there's a life-threatening emergency, whether at the time of the initial injury or later, it is best to get emergency care as quickly as possible. This could involve calling an ambulance or going to the emergency room.

If you're injured at work and your employer has a health suite on site, then, unless your employer has instructed otherwise, the [North Carolina Industrial Commission](#) recommends going to that health care provider first. In situations where there is no health care facility on site, you should seek care from a facility recommended by your employer unless you are dealing with an emergency.

Receiving medical care is the first priority. If it's an emergency, get appropriate help right away. But if it is not urgent, then you need to find out who your employer has designated to treat workers' compensation injuries and see that provider. For instance, if a worker's hand is crushed by machinery, emergency treatment at the nearest hospital would be required. But if a worker has developed carpal tunnel syndrome due to repetitive motion, that injury would not be considered an emergency, so the employee should seek treatment from the employer-designated provider. The injured worker should inform the health care provider that the injury occurred at work so the provider can send the bill to the employer.

## Reporting the Injury

A worker injured on the job or suffering from an occupational illness must report the injury twice to give the employer the opportunity to fulfill their obligations. Initially, an injured worker is supposed to notify management of the injury as soon as possible. This could be a simple verbal statement made to a supervisor, either by the employee or a co-worker or a family member. This informal report is the first part of the reporting obligation.

The second part requires providing written notice. An injured worker (or someone helping them, such as a Durham workplace injury lawyer) needs to submit a written report of the injury within 30 days of the time the injury occurred. The notice should include the date of the injury, a description of the injury, and how it occurred. If you fail to provide written notice as required within the 30-day deadline, your employer can deny your claim. If you (or your attorney) can present a good reason as to why you failed to provide written notice as required, your failure may be excused by the Industrial Commission.

It can be challenging to determine when the reporting deadline occurs in situations where an employee is seeking benefits for a condition that develops over time, such as cancer or a repetitive stress injury. The deadline could be 30 days from the time the doctor issues a diagnosis, but when the cause of the diagnosis is not immediately connected to workplace conditions, an attorney may be able to argue that the deadline to provide notice should be extended.

## Further Obligations

Once an injured employee has received initial medical care and reported the injury to the employer, additional obligations take effect. It is important to follow the doctor's recommendations for treatment and for refraining from certain activities. Returning for follow-up visits is critical.

If your doctor is not providing satisfactory care, you can apply to see a different physician, but you need to have the change approved either by the employer (in writing), insurance company, or by the Industrial Commission. If you see another doctor on your own, the cost of your care may not be covered by workers' compensation.

Physicians chosen by employers often refuse to acknowledge the extent of an injury or its connection to the workplace. A Durham workplace injury lawyer can help you find appropriate alternate care and to get your care approved for coverage, but it is wise to seek legal advice before taking action.

Injured employees are also expected to complete and file a Form 18 with the Industrial Commission. Failure to submit the form properly can lead to a loss of benefits. An attorney can assist in the process.

## FAQs About Workplace Injuries in Durham

### How long do I have to report my workplace injury to my employer in Durham?

The [North Carolina Workers' Compensation Act](#) specifies that injured employees should give their employer a written notice of an accident "immediately" or "as soon thereafter as practicable." Employees are not eligible for workers' compensation benefits until they have provided this notice, unless they can show either that the employer had notice of the accident or that the employee was prevented from giving notice. If written notice is not provided within 30 days of the accident and no "reasonable excuse" is made to the Commission, the employee is not eligible for benefits.

### Who pays for my medical bills, prescriptions, and necessary travel to appointments?

When medical benefits are approved, the employer or the insurance company providing workers' compensation coverage should pay for reasonable medical care, including prescriptions. If an injured worker needs to travel 20 miles or more (round trip) to receive medical treatment, the employee is eligible to collect mileage expenses from the employer or insurance company. This should be paid at the [IRS standard mileage rate](#).

## What am I entitled to other than medical care?

If an injury interferes with your ability to work for more than seven days, then you can receive compensation to make up for some of the wages you would be paid if your injury didn't prevent you from working. You do not receive your full wages, but instead receive a benefit equal to 2/3 of your average wage. If your disability lasts 21 days or more, you can receive benefits to cover wages lost during the first 7 days. Payments continue as long as the disability remains or until doctors determine that you have reached your maximum level of recovery. You may also be eligible to receive payments for a disability considered to be permanent and benefits that provide some vocational rehabilitation. If a work injury results in death, family members may receive death benefits.

## What should I do if my existing injury or condition is worsened by my job duties?

Insurance companies frequently deny workers' compensation benefits when an employee suffers from a pre-existing condition. However, when a worker can show that job duties have made a pre-existing condition worse or caused re-injury, then the additional injuries or aggravation of the condition should be covered by workers' compensation. A Durham workplace injury lawyer will often need to present extensive evidence and arguments based on legal precedent to succeed in getting benefits in these situations.

## How much does it cost to hire a Durham workplace injury lawyer to help with my claim?

The team at Martin & Jones works on a contingency fee basis. Our fee is based on a percentage of the amount of financial compensation we recover for clients, and if we don't succeed in recovering compensation, the client does not owe us any legal fees. In workers' compensation cases, our fees are limited by law and must be approved by the Industrial Commission.

# Get Help Filing a Workers' Compensation Claim or Appealing a Denial in Durham

The workers' compensation system is far more complicated than it should be, which allows insurance companies to deny employees' claims when they should be receiving benefits. At Martin & Jones, we cannot make your injuries go away, but we can work to help you obtain the medical care and financial resources you need to recover after a workplace injury or occupational illness. For a free, confidential consultation to discuss the assistance a Durham workplace injury lawyer on our team could provide in your situation, call us at 800-662-1234 or [contact us online](#) now.

## Working to Recover Full Benefits for Injuries on the Job or Illnesses Caused by Workplace Conditions

[Workers' compensation benefits](#) are available to employees who suffer from many types of injuries in a wide range of work environments in the Raleigh area. Employees can also receive benefits if they are suffering from a debilitating illness, such as cancer, that is caused by exposure to toxic substances on the job.

It is vitally important for workers to understand when their injuries are covered and what they need to do to secure full benefits under the program. While workers' compensation was developed to prevent the need for personal injury lawsuits, the process for recovering benefits through the program is so vigorously contested by insurance companies that it can be nearly impossible to succeed without representation and assistance from an experienced Raleigh workplace injury lawyer.

At Martin & Jones, we have been fighting to protect injured workers for decades, and we know what it takes to unlock the full potential of the workers' compensation claims process in North Carolina. We've helped workers recover full benefits after a wide variety of workplace injuries and illnesses. If you [contact us](#) for a free consultation, we can explain the benefits available to you and the most effective way to access them.

## Injuries Covered by Workers' Compensation in Raleigh

Essentially, any injury that occurs while you are working can be considered a workplace injury covered by the workers' compensation program. Some injuries occur in dangerous environments, such as construction sites, while others

occur in mundane settings that seem “safe,” such as an office.

You don’t need to prove that your workplace was unsafe or that your employer did something negligent in order to receive workers’ compensation benefits. You just need to show that the injury occurred by accident and was caused by your employment. If your employer or the insurance company tries to insist that your injury did not arise “out of and in the course of employment,” a Raleigh workplace injury lawyer could present evidence and legal arguments to show why your injury should be covered under the [Workers’ Compensation Act](#).

To see how a variety of injuries are covered by the program, it is helpful to consider various types of injuries and how they arise. In many cases, an employee must be able to trace the injury to an accident—an unexpected event that caused it. An example would be an injury that occurs when a worker trips over merchandise and falls. The fall was an unexpected event, so it can satisfy the requirement for an accidental injury.

## Broken Bones

Bones in the human body can fracture in numerous ways, and in many instances, it can be difficult or impossible to restore the bone to the condition it was in before the fracture. A straight-line fracture, such as an oblique or transverse fracture, may require surgery and an extensive recovery period, but in many cases these injuries can heal with the right treatment. More complex fractures, such as comminuted fractures with multiple breaks, segmental fractures that leave separate pieces of bone, spiral fractures, and compound fractures, can lead to complications that prevent the injury from healing fully.

Bone fractures frequently occur in job settings of all types, from construction sites and warehouses to offices and stores.

## Back and Neck Injuries

Injuries to the back and neck are some of the most common workplace injuries in Raleigh. In fact, because back injuries are so prevalent, an employee only needs to be able to point to a “specific traumatic incident” as the source of the injury rather than an unexpected accident. The specific incident does not need to be something dramatic or extraordinary. A worker could be undertaking regular tasks in the normal way, such as stacking boxes, when they notice a shift or pop in their spine, and the injury could be covered by workers’ compensation.

Injuries to the back and neck frequently involve damage to muscles, ligaments, and tendons or the disks in between vertebrae. The damage is often referred to as a strain or sprain, and though it may sound minor, the effects can be devastating, leaving workers with intense pain that prevents them from sitting or moving without extreme distress.

## Injuries to the Brain and Other Parts of the Head

Falls and collisions frequently cause brain damage. While these types of injuries are often anticipated in some jobs on construction sites or other hazardous work sites, workers can suffer head injuries while doing any type of job. A fall that causes a traumatic brain injury could occur if a construction worker falls off scaffolding or when an office worker falls down a small flight of stairs.

Injuries to the brain, the eyes, the ears, or other parts of the head can have profound long-term consequences. A knowledgeable Raleigh workplace injury lawyer works to recover additional benefits for permanent disabilities that result.

## Conditions That Develop Over Time

Exposure to hazardous substances or stressful conditions can cause serious harm that develops over time. This type of damage is considered an [occupational illness](#) rather than an injury. Workers can receive benefits when workplace conditions cause problems, such as:

- Lead poisoning
- Silicosis
- Hearing loss
- Cancer
- Carpal tunnel syndrome
- Heart attack or stroke
- Lung damage

It can be challenging to prove that workplace conditions caused the damage, which is one reason it can be so helpful to work with a workplace injury lawyer in Raleigh.

## Benefits Available for Workplace Injuries

The [North Carolina workers' compensation scheme](#) provides several types of benefits. Medical benefits cover medical care, such as surgery, doctor visits, and rehabilitation therapy. Wage benefits provide income to make up for wages lost when an employee is unable to work due to an injury. These can be awarded on a temporary or permanent basis, and the amount of payments can vary depending on whether the illness or injury prevents a worker from

engaging in any employment or allows the employee to continue working at a reduced rate.

In addition to benefits to provide medical care and wage replacement, a worker may be eligible to receive vocational rehabilitation services and disfigurement benefits. If a worker is killed due to an on-the-job injury or occupational illness, then family members may receive death benefits. A Raleigh workplace injury lawyer at Martin & Jones helps employees recover the full benefits available in their particular situation, and fights to maximize [settlement of claims](#).

## FAQs About Workplace Injuries in Raleigh

### What is the first step I should take after a workplace injury in Raleigh?

Your health is the most important issue, so the first step is to secure the medical care you need. Don't hesitate to call 911 or head to the emergency room if an injury is serious. If your injury is less critical, then you still need to seek treatment, but it is best to notify your employer of the injury and seek care from a physician who has been approved by your employer or the insurer that provides their workers' compensation coverage.

### Do I get to choose my own doctor for my work injury in Raleigh?

There are complex rules about medical coverage for workers' comp claims in Raleigh, and if you don't follow the rules, you could end up liable for some of your own medical expenses. Unless your injury requires emergency attention, you should first have your injury examined by a doctor who is on the list of approved providers. If you want to see a different doctor and want the expense to be covered by workers' compensation, you should contact the [North Carolina Industrial Commission](#) to request a new physician.

### What is the process for an injury claim?

The first two steps in the process are to get an initial medical exam and notify the employer about the accident. If you are hurt too badly to report the injury yourself, you can have a family member, friend, or health care provider notify your supervisor or the owner of your company about the accident and injury. Within 30 days, you will also need to provide written notice to the employer, including the date and a short description of the injury. During this time, it is important to follow your doctor's instructions, and you may need to seek a second opinion.

The next step is to file [Form 18](#) with the North Carolina Industrial Commission to formally initiate the claims process. You should also provide a copy to your employer and their insurance provider, and keep a copy for yourself. The employer or insurance company will review the claim and must notify you within 14 days whether they accept or deny

the claim. Denials are quite common, even when a claim clearly qualifies for coverage. To [appeal a denial](#), it is necessary to file a Notice of Intent to Appeal, participate in mediation and, if results are not favorable, request a hearing. During the hearing, an administrative law judge will review evidence and render a decision.

## Can my employer fire me for filing a workers' compensation claim?

North Carolina law prohibits your employer from firing you because you filed a workers' compensation claim. However, an employer is permitted to terminate employment while you are receiving benefits if the employer has a legitimate reason not related to your claim, such as if your employer determines that your injuries prevent you from performing your job.

## Do I need an attorney to file a workers' compensation claim?

Nothing in the law requires representation by an attorney during the workers' compensation claims process, but employees generally find it effective to work with an experienced Raleigh workplace injury lawyer as early in the process as possible. Advice from your lawyer can help you avoid [common mistakes that lead to the denial of your claim](#). If a claim is delayed or denied, a knowledgeable attorney can enable you to make the most of the appeals process, particularly the hearing and any further appeals that need to be made in court.

## Find Out More About How Martin & Jones Helps After Workplace Injuries in Raleigh

When you've been hurt, you need to focus on healing and rebuilding your life. You don't deserve to lose sleep worrying about insurance and legal requirements. So allow a Raleigh workplace injury lawyer at Martin & Jones to manage your workers' compensation claims process and work to secure the maximum compensation available in your situation. For a free consultation to discuss the assistance our team can provide, call us now at [800-662-1234](tel:800-662-1234) or [contact us online](#).